



Solutia Inc.

575 Maryville Centre Drive
St. Louis, Missouri 63141

P.O. Box 66760

St. Louis, Missouri 63166-6760

Tel/ 314-674-1000

March 30, 2001

Kevin Turner-Environmental Scientist
OSC U. S. Environmental Protection Agency
8588 Rt. 148
Marion, IL 62959

**Re: Sauget Sites Area I - May 31, 2000 Unilateral Administrative Order
Docket No. V-W-99-C-554 - Dead Creek Sediments & Soils Removal /
Containment**

- **Time Critical Removal Action Work Plan**
- **Cell Design Certification Requirements**

Dear Mr. Turner,

In a conference call on April 20, 2001, to discuss the April 2, 2001 Sauget Area I TSCA Containment Cell Design Report, Mr. Robert Watson of IEPA raised the question of the sufficiency of the "certification" provided in the submission. Specifically, Mr. Watson requested that Solutia consider modifying the certification statement to make it analogous to that required for RCRA permit applications and reports consistent with 35 Ill. Admin. Code sec. 702.126(d). As you requested, this letter will respond to Mr. Watson's concerns.

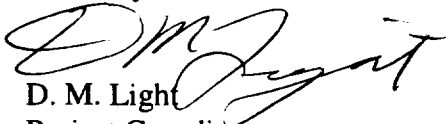
Currently, the only certification in the Time Critical Response Action Work Plan ("TCRAWP") is contained within the TSCA Containment Cell Design Report. This certification is signed by a professional engineer, and certifies that the design report and other documents prepared by URS were prepared "using standard engineering procedures in a manner consistent with the skill and level of professional care exercised by other professionals practicing in the same locality at the same time under similar circumstances." The certification statement that Mr. Watson has requested requires the responsible official to acknowledge that the document was prepared under his/her direction "in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information" and that the information submitted is "true, accurate, and complete." It also requires that the signer state: "I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [See 35 Ill. Admin. Code sec. 702.126(d)].

The provisions of the UAO should alleviate any concerns regarding the submission of false information, and the penalties for such submission. Under the UAO, Solutia is required to comply with "all applicable local, state, and federal laws and regulations." (UAO, Section V.7). These laws all require truthful submissions. In addition, the Final Report required to be submitted under the UAO must include the following certification, signed by the person who supervised the preparation of the report: "Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete." (UAO, Section V.3.5). Solutia is also subject to civil penalties for violations of the UAO (UAO, Section VII).

In addition, this RCRA certification does not apply to the TCRAWP. Because all the removal work is occurring on site, only the substantive RCRA requirements apply. Under CERCLA Section 121(e), no RCRA permit is needed for the removal work, and none of the administrative RCRA requirements, such as reporting, apply (unless they are specifically required by the UAO). The RCRA certification referenced above is an administrative requirement that is applicable to permit applications and reports under RCRA, neither of which is required in this scenario.

Thus, it is Solutia's position that the provisions of the UAO provide adequate protection against the submission of false information, and ensure that Solutia abides by all applicable laws and regulations in the performance of the work. Therefore, the RCRA certification contained in 35 Ill. Admin. Code Section 702.126(d) is not necessary.

Sincerely,


D. M. Light
Project Coordinator
Solutia Inc.

cc:

Robert Watson - IEPA
Linda Tape, Esq. - Thompson Coburn
Michael McAteer - USEPA